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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,637

11/23/2005

Declan Patrick Kelly

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TOWFIGHI, AFSHAWN M

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/535,637	<b>Applicant(s)</b> KELLY ET AL.	
	<b>Examiner</b> AFSHAWN TOWFIGHI	<b>Art Unit</b> 2458	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13,14,21,23-31, 33 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13,14,21,23-31,33 and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1, 3-11, 13, 14, 21, 23-31, 33 & 38-40 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 4/26/10 have been fully considered but they are not persuasive.

On page 10 of the applicant's response, the applicant argues that Siah fails to disclose the claim element of "an indication of a method for deriving a title identification for each of the content providers" or a location where information that is to be used by the indicated method may be found

The examiner respectfully disagrees. Siah Figure 8 #804 and #806 teaches that the C-PBIT information is read from a database in ram which is then used to by the method to calculate the DVD signature (Title\_ID). This is a location that has pre-selected information used to derive the Title\_ID. The information that is read is also and "indication" of a method to be used. Therefore Siah does teach the argued limitation as the claim language reads.

The examiner would like to inform the applicant that he is available for an interview at any time to help further prosecution of the case, and clarify any claim language to help speed up prosecution.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-11, 13, 14, 21, 23-31, 33 & 38-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 21 recite the limitation "an indication of a method for deriving a title identification for each of said content providers, said method consisting of at least one of a read operation and an algorithmic operation, and a location defining a pre-selected location...". The limitation is interpreted in such a way that the location is "at least one part of the method". However, the "location" can be interpreted as part of the local database or even as part of the WebDVD player as a whole, and therefore it is unclear as exactly where this "location" is. The dependent claims fail to correct this deficiency and clarification is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 8-11, 13, 14, 21, 23-25, 28-31, 33 & 38-40 are rejected under 35

U.S.C. 102(e) as being anticipated by International Patent Application Publication No.

WO 02/15024 A1 to Siah, et al. (Siah).

2. Regarding claim 1, Siah teaches a WebDVD player, comprising: a local database

(See page 11, lines 20-22; wherein the database in the flash memory is local to the

DVD player) including at least a plurality of universal resource locators (URLs)

associated with corresponding ones of a plurality of websites associated with

corresponding ones of a plurality of content providers (See page 10, lines 11-19;

wherein each of the URLs is a website address and thus is inherently associated with a

website), a plurality of expected title identifications associated with corresponding ones

of said plurality of content providers (See page 11, lines 18-19; wherein the searched

for records are the title identifications) , an indication of a method for deriving a title

identification (See response to arguments Fig 8 the C-PBIT information is an

"indication") (See page 14, lines 20-31 for a first method, and page 15, lines 5-19 for a

second method, wherein the methods must be stored on DVD players memory, as there

is no other memory available) said method consisting of at least one of a read operation

and an algorithmic operation (See page 11, lines 13-17; wherein the calculation that is

made is equivalent to an algorithmic operation), and a location defining a pre-selected

location containing information upon which indicated method operates (See response to

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arguments and Figure 8); means for deriving a title identification (Title\_ID) of a legacy DVD disc, the Title\_ID being a unique identifier of a title of the legacy DVD disc, wherein the Title ID is derived in accordance with one of said methods specified in the database (See page 7, lines 19-20; wherein the unique DVD signature is an identifier of the title of the DVD); and means for linking the disc to a related web site based on the derived Title ID (See page 9, lines 24-25).

3. Regarding claim 3, Siah teaches means for determining whether the derived Title\_ID matches an expected title identification value indicated in the database that is associated with the specified method (See page 11, lines 18-24; wherein ID's that lead to found records are expected values).

4. Regarding claim 4, Siah teaches means for retrieving a universal resource locator (URL) in the database that is associated with the expected title identification value if the derived Title\_ID matches the expected title identification value (See page 10, lines 3-4).

5. Regarding claim 5, Siah teaches deriving the Title\_ID by reading a unique identifier from a pre-selected location of the disc (See page 7, lines 19-21; wherein the C-PBIT is different for every movie, i.e., unique, and the C-PBIT is located in a pre-selected area of the disc).

6. Regarding claim 8, Siah teaches deriving the Title\_ID by reading a Volume Set ID in a Universal Disc Format (UDF) file system of the disc (See page 13, lines 14-17; wherein the volume descriptor is the equivalent of volume set ID, and the Universal Disc Format is inherently used).

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7. Regarding claim 9, Siah teaches deriving the Title\_ID by reading selected data available on the disc (See page 7, lines 19-21).

8. Regarding claim 10, Siah teaches means for retrieving a provider unique identification (PVR\_ID) from the disc (See page 13, lines 15-17); wherein the Title\_ID is derived based on the retrieved PVR ID of the disc (See page 13, lines 15-17; wherein the Title Information is applicant's Title ID).

9. Regarding claim 11, Siah teaches means for determining whether the retrieved PVR ID matches a corresponding URL in the list (See page 14, lines 10-13); and means for searching through the title identifications in the table that are associated with the corresponding URL for finding a matching Title\_ID (See page 13, lines 3-5).

10. Regarding claim 13, Siah teaches if the derived Title\_ID fails to match any expected title identifications in the table, the linking means links the disc to a general web site of a content provider using the corresponding URL (See page 11, lines 26-28, and page 12, lines 7-9).

11. Regarding claim 14, Siah teaches means for accessing a source web site, if the derived Title ID does not match any expected title identification in the table, the source web site containing a database which includes a list of universal resource locator (URL) links to related web sites and their associated PVR\_IDs and Title\_IDs (See page 11, line 26 to page 12, line 4); means for searching a corresponding URL in the source web site database based on the retrieved PVR\_ID and derived Title\_ID (See page 12, lines 3-9; wherein the DVD information server includes the web site database); and means

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for linking the disc to a related web site using the corresponding matching URL (See page 12, lines 23-25).

12. Regarding claim 21, this claim recites a method for operating the WebDVD player of claim 1, and is rejected for the same reasons.

13. Regarding claim 23, this claim recites a method for operating the WebDVD player of claim 3, and is rejected for the same reasons.

14. Regarding claim 24, this claim recites a method for operating the WebDVD player of claim 4, and is rejected for the same reasons.

15. Regarding claim 25, this claim recites a method for operating the WebDVD player of claim 5, and is rejected for the same reasons.

16. Regarding claim 28, this claim recites a method for operating the WebDVD player of claim 8, and is rejected for the same reasons.

17. Regarding claim 29, this claim recites a method for operating the WebDVD player of claim 9, and is rejected for the same reasons.

18. Regarding claim 30, this claim recites a method for operating the WebDVD player of claim 10, and is rejected for the same reasons.

19. Regarding claim 31, this claim recites a method for operating the WebDVD player of claim 11, and is rejected for the same reasons.

20. Regarding claim 33, Siah teaches accessing a source web site, if the derived Title\_ID does not match any expected title identification in the table, the source web site containing a database which includes a list of universal resource locator (URL) links to related web sites and their associated PVR\_IDs and Title\_IDs (See page 11, line 26 to

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page 12, line 4); searching a corresponding URL in the database based on the retrieved PVR\_ID and derived Title\_ID (See page 12, lines 5-9); and linking the disc to a related web site using the corresponding matching URL (See page 12, lines 23-25).

21. Regarding claim 38, Siah teaches means for periodically updating the database and the table stored by the storing means with information from the source web site (See page 11, lines 26-28).

22. Regarding claim 39, Siah teaches means for caching an address of a website address each time the web site is accessed (See page 4, lines 7-9; wherein the PC inherently includes a cache memory).

23. Regarding claim 40, Siah teaches means for allowing a user to manually update the database and the table stored by the storing means with new information (See page 11, lines 28-30; wherein user input is required to update the DB; and, page 13, lines 12-13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6-7 & 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siah, as applied to claims 1 and 25 above, in view of Official Notice.

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25. Regarding claims 6 & 26, Siah teaches the invention as described in claims 1 and 25. Siah does not specifically teach that the pre-selected location on the disc for the unique identifier is the burst cutting area. However, the examiner takes Official Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in the burst cutting area of a DVD, since doing so would have provided a well known, standard, location for the identifier, thereby making the unique identifier easy to find.

26. Regarding claims 7 & 27, Siah teaches the invention as described in claims 1 and 25. Siah does not specifically teach that the pre-selected location on the disc for the unique identifier is a private data sector. However, the examiner takes Official Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in a private data sector of a DVD, since doing so would have provided an established and dedicated location for the identifier, thereby making the unique identifier easy to find.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFSHAWN TOWFIGHI whose telephone number is (571)270-7296. The examiner can normally be reached on Monday - Friday 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino can be reached on (571)272-3905. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. T./  
Examiner, Art Unit 2458

/Joseph E. Avellino/  
Supervisory Patent Examiner, Art Unit 2458